

# Administrative Office of the Courts

Chief Justice Christine M. Durham  
Utah Supreme Court  
Chair, Utah Judicial Council

## MEMORANDUM

Daniel J. Becker  
State Court Administrator  
Myron K. March  
Deputy Court Administrator

Fred Jayne, Finance Manager  
Julie Farnes, Second District

From:  Brent Johnson, General Counsel

Joint and Several Obligations

Date: February 3, 2006

---

This memorandum is to confirm the judiciary's stance on the treatment of joint and several obligations. The concept of joint and several is that each of the defendants subject to the judgment is individually responsible for the entire judgment. The individual or entity in whose favor the judgment is entered can collect a joint and several judgment from one or all of the defendants. The concept of a joint and several judgment is that it is not equally divisible among the defendants. Therefore, when the courts receive a request to divide a judgment equally, the court cannot do this on a joint and several judgment.

This may create some challenges when dealing with a judgment that might be collected by several different entities. When a joint and several judgment exists, and collection is sought from the various debtors, it is important that payments by the debtors are accurately recorded to ensure that a judgment is not over-collected. For example, if a joint and several judgment has three debtors and responsibility for collecting the judgment is divided among three entities, the entities must communicate payments received so that other entities do not over-collect. It would not be appropriate to divide the judgment equally, because if one individual has the ability to pay the entire judgment, and the others do not, it is appropriate to collect against the one who is able to pay. That individual's remedy is to then seek payment from the other judgment debtors.

If you have any questions about this matter, please feel free to contact me. Please feel free to distribute this memorandum as appropriate to other entities.

The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.